

Legislative Management Committee Policy for the Disposal of Surplus Property by the Legislature

As authorized by Utah Code Section 63A-2-409, the Legislative Management Committee establishes the following rules for the disposal of surplus property that is information technology equipment or a personal handheld device.

Part 1. General Provisions

Section 1.1 Definitions

As used in this policy:

- (1) “Designated officer” means:
 - (a) for the House of Representatives, the Chief Clerk of the House;
 - (b) for the Senate, the Secretary of the Senate;
 - (c) for a staff office of the Legislature, the director of the staff office.
- (2) “Fair market value” means the value at which the surplus property may be sold on the open market, as determined by the designated officer, based on:
 - (a) Internet research;
 - (b) discussions with a person who is knowledgeable regarding the value of the surplus property; or
 - (c) any other reasonable means selected by the designated officer.
- (3) “Information technology equipment” means equipment that is designed to electronically manipulate, store, or transfer a form of data.
- (4) “Qualifying equipment” means:
 - (a) information technology equipment; or
 - (b) a personal handheld electronic device.
- (5) “Legislative unit” means the Legislature, the House of Representatives, the Senate, or a staff office of the Legislature.

- (6) “Personal handheld electronic device”:
- (a) means an electronic device that is designed for handheld use and permits the user to store or access information, the primary value of which is specific to the user of the device; and
 - (b) includes a mobile phone, pocket personal computer, personal digital assistant, or similar device.
- (7) “Surplus property” means property that a legislative unit:
- (a) intends for disposal; and
 - (b) has acquired by purchase or donation.

Part 2. Disposal of Qualifying Equipment

Section 2.1 Disposal of qualifying equipment

- (1) A legislative unit may dispose of surplus property that is qualifying equipment as follows:
- (a) by selling the surplus property at fair market value;
 - (b) by trading the surplus property for goods or services at fair market value; or
 - (c) destroying the surplus property, if the designated officer in the legislative unit determines that the surplus property should be destroyed for security or safety reasons.
- (2) A legislative unit that decides to sell surplus property under this policy may, after determining the fair market value of the property, sell the surplus property, for the fair market value, to the legislative employee who was assigned to use the surplus property before it became surplus property.

Part 3. Records

3.1 Record keeping

- (1) A legislative unit that disposes of surplus property under this policy shall, for at least three years from the day on which the surplus property is disposed of, keep a record of the surplus property disposed of.
- (2) The record described in Subsection (1) shall include:

- (a) a description of the surplus property disposed of;
- (b) a description of the manner of disposal;
- (c) if the surplus property is sold:
 - (i) the fair market value of the surplus property at the time it was sold;
 - (ii) a description of the method used to determine the fair market value;
 - (iii) the amount for which the surplus property was sold;
 - (iv) the name of the person or entity to whom the surplus property was sold;
and
 - (v) the date on which the surplus property was sold.
- (d) if the surplus property is traded:
 - (i) the fair market value of the surplus property at the time it was traded;
 - (ii) a description of the method used to determine the fair market value;
 - (iii) a description of the property for which the surplus property was traded;
 - (iv) the name of the person or entity to whom the surplus property was
traded; and
 - (v) the date on which the surplus property was traded.
- (e) if the surplus property is destroyed:
 - (i) the method by which it was destroyed;
 - (ii) a description of the security or safety reason for which it was destroyed;
and
 - (iii) the date on which the surplus property was destroyed.

Part 4. Proceeds of sale

4.1 Proceeds of sale of surplus property

- (1) If surplus property is sold under this policy, the money received in exchange for the surplus property shall be paid to the legislative unit that originally purchased the surplus property.

- (2) A legislative unit to which the money described in Subsection (1) is paid may use the money:
 - (a) to purchase additional qualifying equipment or accessories for qualifying equipment; or
 - (b) for other expenses of the legislative unit.